

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case number 07-20400

Honorable Julian Abele Cook, Jr.

DANNY NEACE,

Defendant.

ORDER

In this criminal case, the Defendant, Danny Neace, pleaded guilty to one count of a violent crimes in aid of racketeering - assault with a dangerous weapon, in violation of 18 U.S.C. §§ 1959(a)(3), 2(a). On February 24, 2011, the Court sentenced him to serve one day of incarceration followed by twenty-four months of supervised release. He was also ordered to pay a special assessment of \$100.00 and a fine of \$6,000.00.

On April 11, 2011, the Government initiated a separate proceeding by filing an application for a writ of continuing garnishment to attach a portion of Neace's retirement benefits. *United States v. Neace*, No. 11-50451 (E.D. Mich.). The Government stated that Neace had made no payments with respect to either the fine or the mandatory assessment. Ten days later, Neace filed a motion in which he requested that the Court quash and/or stay the writ of continuing garnishment pending a hearing on (1) his objections, (2) any claim for exemptions under 18 U.S.C. § 3613, and (3) a request for hardship relief from the \$6,100 in fines currently imposed. On April 27, Neace filed a motion in the criminal case in which he requested clarification and/or reconsideration of the

sentence with respect to the amount, time, and method by which he was to make payment of the fine.

The garnishment action has subsequently been resolved by stipulation of the parties. The garnishee has been directed to remit 12% of Neace's monthly benefit payment to the Clerk of the Court, who will disburse said funds in accordance with the judgment in this case. (No. 11-50451, ECF No. 9). In light of the foregoing, Neace's request for clarification of the judgment in the criminal case has now been rendered moot, and thus will be, and is, denied on that basis.

IT IS SO ORDERED.

Dated: August 5, 2011
Detroit, Michigan

s/Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on August 5, 2011.

s/ Kay Doaks
Case Manager